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August 27, 2007

Via Electronic Delivery

The Honorable Mary Pat Thyng
U.S. District Court
844 N. King Street
Lock Box 8
Wilmington, DE 19801

**RE: *Tri-M Group, LLC v. Thomas B. Sharp, Secretary of Labor, Delaware
Department of Labor***
C.A. No. 06-556***

Dear Judge Thyng:

Pursuant to the Court's Order of March 20, 2007 (D.I. 16), please allow this to serve as the Secretary of Labor Thomas B. Sharp's ("Defendant") interim status report in the above matter. *A status teleconference is set for Thursday September 6, 2007 at 10:00 a.m.*

As Your Honor may recall, this is a claim by a Tri-M Group LLC ("Plaintiff"), alleging a violation of the dormant commerce clause based upon Delaware Department of Labor's Apprenticeship Statute and Rules and Regulations. The Defendant filed a Motion to Dismiss which has been fully briefed.

Discovery has taken place in this case as follows.

1. Plaintiff propounded Interrogatories, Requests for Production and Requests for Admissions to State Defendants dated June 1, 2007. Defendant responded to Plaintiff's Request for Admissions on July 2, 2007. Defendant responded to Plaintiff's Interrogatories and Request for Production, including the production of 1193 pages of documents, on July 3, 2007.

2. Defendants propounded Requests for Production upon Plaintiff on July 17, 2007, and Interrogatories to the Plaintiff on July 31, 2007. Plaintiff filed responses to the Request for Production on August 21, 2007 and indicated that documents "will" be produced. Plaintiff produced 128 pages of documents to Defendant on August 22, 2007. Plaintiff's responses to Defendant's Interrogatories are due August 30, 2007.

3. No depositions have been taken or noticed by any party.

4. Plaintiff's Disclosure of Expert Testimony is due on or before **August 31, 2007** and Discovery cut-off is currently set for **October 31, 2007** per the Court's Order of March 20, 2007 (D.I. 16). Plaintiff contacted Defendant and requested an extension of the expert testimony deadline. Defendant did not oppose the request as long as all other relevant dates were extended as well. Plaintiff and Defendant agreed upon a Stipulation to Amend the Scheduling Order and were working on the language of the cover letter to the Court. To date, no cover letter or Stipulation to Amend the Scheduling Order has been filed.

No Mediation Conference is scheduled in this matter. Defendants respectfully request that a mediation conference be scheduled on the Court's calendar. If the Court wishes this request to be made formally, under separate cover, Defendant will certainly do so.

If the Court has any questions, counsel stands ready to respond at the Court's convenience.

Very truly yours,

/s/ Linda M. Carmichael
Linda M. Carmichael
Deputy Attorney General

cc: Glenn Beard, Esquire (via CM/ECF)

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